HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 290 (M/S) of 2004

1. Megh Nath S/o Sh. Murari Lal.
2. Smt. Pushpa Devi W/o Sh. Megh Nath
3. Smt. Mohani Devi W/o Sh. Murari lal.

All R/o-86 Karanpur, Dehradun .....Petitioners

Vs

Civil Judge (Senior Division), Dehradun

And others. ....Respondents

Counsel for the petitioner Sh. Yogesh Pandey
Standing Counsel for the respondent

Dated: 16.4.2004

Hon'ble Rajesh Tandon, J.

Heard Sh. Yogesh Pandey learned counsel for the petitioner and Standing counsel for the respondent.

By the present writ petition the petitioner has prayed for the issue of a writ, order or direction in the nature of Mandamus commanding the Respondent No. 1, Civil Judge (Senior Division), Dehradun to expedite the proceedings of the Original Suit NO. 384/2002.

Brief facts giving rise to the present writ petition are that a civil suit was filed by the petitioner against the respondent no. 2 which was registered as O.S. 384/2000. The suit was field for permanent injuction praying for the following reliefs:-

(a) for the decree for restraining the defendants, their servants, agents, labourers, employees from raising any construction in common open space or in any manner changing the nature of the said common open space.

Petitioners have confined their prayer to the extent that the suit may be expedited only. Considering the nature of the proceedings and the order sheet annexed herein, it appears that the suit was field in the year 2002 and from time to time interlocutory orders were passed. Direction is given to the learned Judge to dispose of the suit within a period of 6 months after the production of the certified copy of the order.

Subject to the aforesaid observation, the writ petition is disposed of. There will be no order as to costs.

(Rajesh Tandon J.)

16.04.2004

M.K